HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 6605 of 2007

PETITIONER Sunil Kumar Dewangan S/o Shri Satya Narayan Dewangan, aged about 40 years, Village Agriculture Extensiuon Officer, Officer of Deputy Director Agriculture, Dhamatari, Resident of Maitri Vihar Colony Dhamatari, Dist. Dhamatari (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh Through Secretary/Additional Secretary Department of Agriculture D.K.S. Bhawan Raipur (C.G.)
2. The Director, Directorate of Agriculture Department, D.K.S. Bhawan, Raipur (C.G.)
3. The Collector, District Dhamatari (C.G.)
4. Deputy Director (Agriculture) Dist. Dhamatari (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Presence :

Shri R.S. Patel, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State on advance copy.

ORAL ORDER
(15.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Village Agriculture Extension Officer, has been transferred from Dhamtari to Korba on administrative grounds.

Learned counsel for the petitioner argues that the son of the petitioner is studying in Class 6th in Dhamtari Public School, therefore, the transfer is causing great hardship to him.

These are not the grounds for a court of law to interfere with the transfer of the employee.

The transfer is an incidence of service. Nobody working on a transferable post can claim for his posting at a particular place. Who should be posted where is to be seen by the

employer which depends upon the administrative exigency as also public interest. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or is shown to be passed against any statutory rule or the Act, the same cannot be interfered with by a Court of law, is the settled view of the Apex Court.

Learned counsel for the petitioner could not point out any such ground of malafide or of extraneous consideration or that the order has been passed against any statutory rule or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner on this ground. The petition is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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